

MARVIN L. McGAHEY

IBLA 79-396

Decided September 5, 1980

Appeal from decision of the Nevada State Office, Bureau of Land Management, rejecting in part application for geothermal lease. N-21671.

Affirmed.

1. Geothermal Leases: Known Geothermal Resources Area--Geothermal Leases:
Noncompetitive Leases

An application for a noncompetitive geothermal lease must be rejected if the land is found to be within a Known Geological Resource Area (KGRA) at anytime prior to issuance of a lease, and no evidence has been offered to show the KGRA designation to be in error.

APPEARANCES: Marvin L. McGahey, pro se.

OPINION BY ADMINISTRATIVE JUDGE GOSS

Marvin L. McGahey has appealed from a decision of the Nevada State Office, Bureau of Land Management (BLM), dated April 11, 1979, rejecting in part appellant's application to lease geothermal resources, N-21671, filed January 2, 1979, because the subject land was included in the Dixie Valley Known Geological Resources Area (KGRA), effective February 1, 1979. The land is situated in secs. 27 and 34 through 36, T. 24 N., R. 38 E., Mount Diablo meridian, Churchill County, Nevada.

[1] Section 2(e) of the Geothermal Steam Act of 1970 (Act), 30 U.S.C. § 1001 (1976), provides for the designation of KGRA's. Pursuant to 30 U.S.C. § 1003 (1976) lands within a KGRA may only be leased by competitive bidding. An application for a noncompetitive geothermal lease must be rejected if the land is found to be within a KGRA at any time prior to issuance of a lease. 43 CFR 3210.4; Earth Power Corporation, 29 IBLA 37 (1977).

In his statement of reasons for appeal, appellant contends that the prerequisite for designation of a KGRA is "either simultaneous competitive lease applications or sufficient geological information to indicate the area has geothermal potential." As there were no simultaneous offers for secs. 35 and 36, T. 24 N., R. 38 E., Mount Diablo meridian, Churchill County, Nevada, appellant seeks to sever his application so that a separate lease may be issued for those sections.

"Competitive interests" is not the only factor which is considered in designating KGRA's. See 30 U.S.C. § 1001(e) (1976); Earth Power Corporation, supra. All of the applied for land was included in the KGRA by Geological Survey. Appellant has offered no evidence to show that the designation of the Dixie Valley KGRA was in error.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joseph W. Goss
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

